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09/809,595	03/15/2001	Paul D. Franke	1762-001648	3937
28289 7590 02/15/2008 THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219				
EXAMINER SIDDIQI, MOHAMMAD A				
ART UNIT 2154		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/809,595

**Applicant(s)**

FRANKE, PAUL D.

**Examiner**

MOHAMMAD A. SIDDIQI

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-168 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-168 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Claims 1-168 are presented for examination.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-168 provisionally rejected under the judicially created doctrine of double patenting over claims 1-42 of copending Application No. 09/869,513. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

4. "A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. *In re Longi*, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious

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over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (Affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-168 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salesky et al. (6,343,313) (hereinafter Salesky).

7. As per claim 1, Salesky discloses a method for conducting, augmenting or any combination thereof at least one convention on the Internet, by

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facilitating the exchange between at least one meeting planner client and at least one attendee client, the method comprising the steps of:

a. receiving, from the at least one meeting planner client with a web browser computer (browser col 8, lines 35-45; col 29, lines 62-63 and col 30, lines 15-24, potential conferee), and electronically storing in virtual convention venue databases at a central website server for providing central website server system processing, (col 9, lines 64-67, col 30, lines 15-64), a plurality of convention activity policies (fig 23) and convention content information for a plurality of conventions (fig 1, col 24, lines 66-67 – col 35, lines 1-10, and col 29, lines 34-37, several meetings);

b. receiving at the central website server from the at least one attendee client with a web browser (browser col 8, lines 35-45) computer a selection for convention content information of one convention from the plurality of conventions (17,15, fig 2, col 8, lines 34-41); and

c. processing the selection at the central website server by virtual convention venue website program instructions using at least one of the plurality of convention activity policies (fig 23, col 4, lines 30-44) to determine participation in convention activity and use of the convention content information in a virtual convention venue, a physical convention venue, or any combination thereof (to determine that a client has sufficient computing resources requires processing of control parameters at the time

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of setup keys can be specified, col 2, lines 7-15; col 2, lines 66-67; col 3, lines 1-23; lines 50-58); and

d. releasing from the central website to the at least one attendee client the selected convention content information (17, 14, fig 2 and fig 23, col 7, lines 10-20; col 8, lines 34-45, server provides information that allows attendee client conferencing software to start and connect to the conference).

Although Salesky shows substantial features of the claimed invention including internet based (virtual) conferencing system. Salesky did not explicitly use the term website, website program, virtual convention, plurality of convention hosting polices and website program instruction. However, these terms would have been an obvious modification at the time of the invention to the system disclosed by Salesky. The motivation would have been electronic publishing of a website for a specific event for a predetermined period.

8. As per claim 2, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the at least one meeting planner client is a plurality of meeting planner clients (col 30, lines 15-24 and col 8 lines 35-45).

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9. As per claim 3, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses at least one attendee client is a plurality of attendee clients (col 8, lines 35-45).

10. As per claim 4, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the convention content information is cyber-based (col 8, lines 35-45, www browser).

11. As per claim 5, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the convention content information is one of cyber-based and venue-based (col 8, lines 34-45, www browser).

12. As per claim 6, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the step of storing in a relational database cross-referencing fields from the meeting planner client to allow for the holding of an unlimited number of conventions (col 29, lines 34-41 and col 30, lines 15-30).

13. As per claim 7, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the steps of receiving at the central website a search request from the attendee client for certain convention



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content information and releasing to the attendee client information satisfying the search request (17,14, fig 2, col 8, lines 34-45, server provides information that allows attendee client conferencing software to start and connect to the conference).

14. As per claim 8, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the steps of receiving at the central website from the attendee client information necessary to register for the convention. (col 8, lines 34-46, being told)

15. As per claim 9, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the step of using attendee client information to alert attendee clients of future conventions that may be of interest to them (col 8, lines 34-36, being told).

16. As per claim 10, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the step of receiving at the central website, from at least one exhibitor client with a web browser computer (browser col 8, lines 35-45), sponsor client with a web browser computer or any combination thereof, convention search, selection and registration information for at least one convention (col 8, lines 30-35, presenter and

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attendee client, conference listing).

17. As per claim 11, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the at least one exhibitor client with a web browser computer (browser col 8, lines 35-45), sponsor client with a web browser computer or any combination thereof, (col 8, lines 30-35, presenter and attendee client, conference listing), is a plurality of exhibitor clients with a web browser computers (browser col 8, lines 35-45), sponsor client with a web browser computer or any combination thereof, (col 8, lines 30-35, presenter and attendee client, conference listing) .

18. As per claim 12, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the step of storing cross-referencing fields from the convention content information in a relational database to allow an unlimited number of exhibitor clients, sponsor clients or any thereof (col 29, lines 34-41 and col 30, lines 15-30).

19. As per claim 13, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the step of receiving at the central website server (14, fig 1) from the meeting planner client session content

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information (14, 17, fig 2, col 8, lines 45-54).

20. As per claim 14, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the steps of receiving at the central website server (14, fig 1) a request for certain client session content information from the attendee client for and releasing to the attendee client information satisfying the search request (14, 17, fig 2, col 8, lines 45-54).

21. As per claim 15, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the session content information is cyber-based (col 8, line 39, www browser).

22. As per claim 16, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the session content information is one of cyber-based and venue-based (col 8, line 39, www browser).

23. As per claim 17, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the step of providing attendee client participation in the session (fig 8B, col 8, lines 55-57).

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24. As per claim 18, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the step of receiving at the central website server (14, fig 1) a search request from the attendee client for session information and releasing to the attendee client such information. (14, 17, fig 2, col 8, lines 30-35).

25. As per claim 19, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the step of receiving at the central website server (14, fig 1) from the attendee client information necessary to register for the session (col 8, lines 30-37, finding or being told).

26. As per claim 20, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses step of receiving at the central website server (14, fig 1) from an exhibitor client with a web browser computer (browser col 8, lines 35-45), sponsor client with a web browser computer or any combination thereof (col 8, lines 30-35, presenter and attendee client, conference listing), exhibit content information including exhibit booth design and content (col 11, lines 13-18, and lines 55-59, booths are created by graphics).

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27. As per claim 21, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the exhibit content information is cyber-based (col 8, lines 35-45, www browser).

28. As per claim 22, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses exhibit content information is one of cyber-based and venue-based (col 8, lines 35-45, www browser).

29. As per claim 23, the claim is rejected for the same reasons as claims 1 and 20, above.

30. As per claim 24 the claim is rejected for the same reasons as claims 1 and 20, above.

31. As per claim 25, the claim is rejected for the same reasons as claims 1 and 20, above.

32. As per claim 26, the claim is rejected for the same reasons as claims 1 and 7, above.

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33. As per claim 27, the claim is rejected for the same reasons as claims 1 and 20, above.

34. As per claim 28, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the step of receiving at the central website from the meeting planner paper presentation content information (col 7, lines 10-17, lecture).

35. As per claim 29, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the paper presentation content information is cyber-based (col 8, lines 35-45, www browser).

36. As per claim 30, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the paper presentation content information is one of either cyber-based or venue-based (col 8, lines 35-45, www browser).

37. As per claim 31, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the step of releasing to the attendee client paper presentation content information (col 7, lines 10-17, lecture).

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38. As per claim 32, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the step of receiving at the central website server (14, fig 1) from the meeting planner meeting proceedings content information (col 7, lines 10-17, lecture).

39. As per claim 33, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the meeting proceedings content information is cyber-based (col 8, lines 35-45, www browser).

40. As per claim 34, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the meeting proceedings content information is one of cyber-based and venue-based (col 8, lines 35-45, www browser).

41. As per claim 35, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the step of releasing to the attendee client meeting proceedings content information. (col 8, lines 30-35, presenter and attendee client, conference listing)

42. As per claim 36, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the step of receiving at the central

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website server (14, fig 1) from the meeting planner cyber broadcast content information (col 7, lines 10-20).

43. As per claim 37, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the step of releasing to the attendee client cyber broadcast content information (col 8, lines 35-45, www browser).

44. As per claim 38, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses wherein the convention content information is convention visitor bureau content information (14, fig 1, col 8, lines 30-40).

45. As per claim 39, the claim is rejected for the same reasons as claim 1, above. In addition Salesky discloses c) receiving at the central website server (14, fig 1) from the attendee client information necessary to register for the convention (14,17, fig 2); e) releasing from the central website server (14, fig 1) to the at least one attendee client the selected convention content information (col 8, lines 30-35).



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46. As per claim 40, the claim is rejected for the same reasons as claim 1, above.

47. As per claim 41, the claim is rejected for the same reasons as claims 40 and 10, above.

48. As per claim 42, the claim is rejected for the same reasons as claims 40 and 20, above.

49. As per claims 43-81, 82-119, and 120-158, claims are rejected for the same reasons as claims 1-38, above.

50. As per claims 165 -168, the claim is rejected for the same reasons as claim 1, above. In addition, Salesky discloses the convention activity is convention and visitor bureau activity (col 23, line 59 to col 24, line 25).

### ***Response to Arguments***

51. Applicant's arguments filed 12/12/2007 have been fully considered but they are not persuasive, therefore a rejection to claims 1-168 is maintained.

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52. Applicant's arguments on pages 39-64 amounts to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The arguments have been addressed in previous office actions. In response to applicant's argument that cited art does not teach and suggests the novel features of the independent claims. Examiner respectfully disagrees, Salesky discloses a method for conducting, augmenting or any combination thereof at least one convention on the Internet, by facilitating the exchange between at least one meeting planner client and at least one attendee client, the method comprising the steps of: a. receiving, from the at least one meeting planner client with a web browser computer (browser col 8, lines 35-45; col 29, lines 62-63 and col 30, lines 15-24, potential conferee), and electronically storing in virtual convention venue databases at a central website server for providing central website server system processing, (col 9, lines 64-67, col 30, lines 15-64), a plurality of convention activity policies (fig 23) and convention content information for a plurality of conventions (fig 1, col 24, lines 66-67 – col 35, lines 1-10, and col 29, lines 34-37, several meetings); b. receiving at the central website server from the at least one attendee client with a web browser (browser col 8, lines 35-45) computer a selection for convention content information of one convention from the plurality of conventions (17,15, fig 2, col 8, lines

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34-41); and c. processing the selection at the central website server by virtual convention venue website program instructions using at least one of the plurality of convention activity policies (fig 23, col 4, lines 30-44) to determine participation in convention activity and use of the convention content information in a virtual convention venue, a physical convention venue, or any combination thereof (to determine that a client has sufficient computing resources requires processing of control parameters at the time of setup keys can be specified, col 2, lines 7-15; col 2, lines 66-67; col 3, lines 1-23; lines 50-58); and d. releasing from the central website to the at least one attendee client the selected convention content information (17, 14, fig 2 and fig 23, col 7, lines 10-20; col 8, lines 34-45, server provides information that allows attendee client conferencing software to start and connect to the conference). The term website, website program, virtual convention, plurality of convention hosting policies and website program instruction are obvious terms to be used to describe the invention. However, these terms would have been an obvious modification at the time of the invention to the system disclosed by Salesky. The motivation would have been electronic publishing of a website for a specific event for a predetermined period.

***Conclusion***

53. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD A. SIDDIQI whose telephone number is (571)272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915.

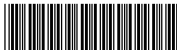
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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAS

/Nathan J. Flynn/  
Supervisory Patent Examiner, Art Unit 2826

**Application Number**

Application/Control No.

09/809,595

Applicant(s)/Patent under  
Reexamination

FRANKE, PAUL D.

Examiner

MOHAMMAD A. SIDDIQI

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